

CHAPTER NO. 1118

SENATE BILL NO. 503

By Atchley, Gilbert

Substituted for: House Bill No. 1166

By Ritchie, Burchett, Armstrong, Dunn, Tindell

AN ACT To amend Tennessee Code Annotated, Title 55, Chapter 4, relative to the issuance of special license plates for supporters of AIDS Response Knoxville (ARK).

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(3), is amended by adding a new item thereto, as follows:

() Supporters of AIDS Response Knoxville (ARK);

SECTION 2. Tennessee Code Annotated, Section 55-4-203, is amended by adding a new item thereto, as follows:

() Supporters of AIDS Response Knoxville (ARK) -- twenty-five dollars (\$25.00);

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following language as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the State of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, and paying the regular fee applicable to the motor vehicle and the fee provided for in Section 55-4-203, shall be issued a supporter of AIDS Response Knoxville (ARK) special license plate, either for an automobile, recreational vehicle, or a truck of one-half (1/2) or three-quarter (3/4) ton rating.

(b) The special plates provided for in this section shall be issued in conformity with the provisions of Section 55-4-202, and shall be designed in consultation with the board of directors of AIDS Response Knoxville (ARK) and the Department of Safety; provided, however, the special plates shall bear a logo of a "red ribbon", the symbol of HIV-AIDS education, service and support groups, as part of such plates' approved design. The special plates shall include a unique identifying number, whereby the total characters do not exceed the sum of seven (7); provided, that no two (2) recipients shall receive identical plates.

(c)(1) The provisions of this section shall not be construed to mean that any eligible person shall be prevented from exchanging a regular type plate for one (1) of special design; provided, that the fees prescribed under Section 55-4-203 are paid.

(2) The whole or parts of the fee for a special registration plate shall not be refunded for the exchange of a regular plate.

(d) Additional special license plates may be obtained by any eligible person upon payment of the regular license fee for plates, as prescribed under Section 55-4-111, plus the payment of the fee prescribed in Section 55-4-203.

(e)(1) Special license plates issued pursuant to this section may be transferred to another vehicle of the same weight class owned or leased by the same person upon proper application being made therefor and approved by the Department of Safety.

(2) It is unlawful for any person to whom such plates have been issued to knowingly permit them to be displayed on any vehicle, except such as authorized by the department.

(f)(1) The funds derived from the sale of the supporters of AIDS Response Knoxville (ARK) special license plates, less the expense the state has incurred in designing and manufacturing such plates, shall be deposited in a special fund in the general fund to be used exclusively to support HIV-AIDS prevention, education, information, service and support programs administered or approved by AIDS Response Knoxville (ARK). The Commissioner of Health shall make grants to AIDS Response Knoxville (ARK) for such programs from moneys available in the special fund.

(2) There is hereby established a general fund reserve to be allocated by the General Appropriations Act which shall be known as the HIV-AIDS prevention, education, service and support endowment fund. Moneys from the fund may be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this subsection, and shall not revert to the general fund on any June 30. Any excess revenues on interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

(g) Notwithstanding any other provision of this section, for the first fiscal year in which such special license plates are issued and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates issued pursuant to this section shall be distributed as provided in §55-6-107 and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this section. For succeeding fiscal years, all funds derived from the renewal of the plates described in this section or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates, shall be distributed as earmarked in this section with no further payments going to the highway fund or the general fund from such plates.

(h) Notwithstanding the provisions of Section 55-4-201(b)(1)(B), the special license plates authorized by this section shall be issued subject to the following requirements:

(1) A minimum order of at least five hundred (500) plates.

(2) If the plates authorized by this section have not qualified for initial issuance by July 1, 2000, such plates shall not be issued and the Commissioner of Safety shall notify the Tennessee Code Commission that this section of Tennessee Code Annotated authorizing the issuance of such plates is, on the basis of such inactivity, to be deemed obsolete and invalid.

(i) The provisions of subsection (h) shall apply equally to the renewal of the special license plates issued pursuant to this section; provided, however, if such plates fail to meet the minimum requirements of subsection (h) for two (2) successive renewal periods after the initial issuance of such plates, such plates shall not be reissued or renewed, and the Commissioner of Safety shall notify the Tennessee Code Commission that this section of Tennessee Code Annotated authorizing the issuance of such plates is, on the basis of such inactivity, to be deemed obsolete and invalid.

SECTION 4. This act shall take effect July 1, 1998, the public welfare requiring it.


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

PASSED: May 1, 1998

APPROVED this day of 1998

DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had Senate Bill No. 503 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.